

TOWN OF GREENLAND, NEW HAMPSHIRE

**ORDINANCE 13 – 01**

*Relating to the Establishment of a Noise Ordinance for the Town of Greenland.*

I, Police Chief Tara Laurent, recommend that that the noise ordinance for the Town of Greenland read as follows:

**Section 1.0 Declaration**

- (a) It is found and declared that the allowing, making or creation of loud, unnecessary, unreasonable or unusual noises within the limits of the Town of Greenland are a detriment to the public comfort, repose, health, peace, safety, convenience, welfare and prosperity of the residents of the Town of Greenland; and
- (b) The necessity and public interest for the provisions and prohibitions hereinafter contained and enacted is a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of comfort, repose, health, peace, safety, convenience, welfare and prosperity of the inhabitants within the Town of Greenland.

**Section 2.0 Unlawful Activities**

It shall be unlawful for any person, firm, company or corporation to make, create, cause, allow or continue to be made any loud, unnecessary, unreasonable or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety, convenience, welfare or prosperity of any person within the Town of Greenland.

**Section 3.0 Misuse of Power**

Loud, unnecessary, unreasonable and unusual noises shall include but not be limited to any noise caused by any one or more of the following actions of the operator of a motor vehicle operated within the limits of the Town of Greenland:

- (a) Misuse of power exceeding tire traction limits in acceleration, sometimes referred to as “laying down rubber” or “peeling rubber”.
- (b) Misuse of braking power exceeding tire traction limits in deceleration where there is no emergency.
- (c) Rapid acceleration by means of quick up shifting of transmission gears with either a clutch and manual transmission or automatic transmission.
- (d) Rapid deceleration by means of quick down shifting of transmission gears with either a clutch and manual transmission or automatic transmission.
- (e) Racing of an engine by manipulation of the accelerator, gas pedal, carburetor or gear selection whether the vehicle is in motion or stationary.
- (f) The blowing of any horn except as a warning signal or other legitimate purpose whether the vehicle is in motion or stationary.
- (g) The amplification of any vehicle radio, cassette player, CD player, MP3 player or similar music generated device in which pedestrian or vehicle traffic may be disturbed or distracted; or any amplification of any vehicle radio, cassette player, CD player, MP3 player or similar music generated device in which the driver or

occupant to any vehicle may be disturbed or distracted from the obedience to emergency warning signals or other rules of the road as established by the Motor Vehicle Code of the State of New Hampshire. This shall include any factory installed or modified radio or accessory thereof, any portable radios or accessory thereof, any other type of music device or accessory thereof and any vehicle speaker or portable speaker generally utilized for listening to music sounds.

- (h) Any noise generated by the unlawful modification of motor vehicle equipment; or any noise generated by the unlawful defect of motor vehicle equipment as defined by the Motor Vehicle Code of the State of New Hampshire.

#### **Section 4.0 Loud Parties or Gatherings**

Any person who is the owner, or a tenant, or a resident, or otherwise in control of any house, apartment, condominium unit, structure or other property located within the Town of Greenland, shall be responsible and liable for any loud, unnecessary, unreasonable or unusual noises made by, created by or caused by one or more persons gathered on said property which annoys, disturbs, injures or endangers the public comfort, repose, health, peace, safety, convenience, welfare or prosperity of any person within the Town of Greenland. Further, any person who is the owner, tenant, resident or otherwise in control of any house, apartment, condominium unit, structure or other property located within the Town of Greenland is responsible for any loud, unnecessary, unreasonable or unusual noises if he/she allows any gathering of one or more persons to continue to make loud, unnecessary, unreasonable or unusual noises upon such property after having been advised of the disturbing affects such noise is having on any person within the Town of Greenland and the said noise then continues to disturb the public comfort, repose, health, peace, safety, convenience, welfare or prosperity of any person within the Town of Greenland. This section shall also apply to any person attending such party or gathering who violates any other provision of this ordinance or who refuses to terminate the loud, unnecessary, unreasonable or unusual noise upon a request by a police officer to do so; or any person attending such party or gathering who refuses to disperse from a public place upon a request by a police officer to do so.

#### **Section 5.0 Disturbance of Peace**

It shall be unlawful for any person to disturb the public comfort, repose, health, peace, safety, convenience, welfare or prosperity of any person within the Town of Greenland by making, creating, causing, allowing or continuing any loud, unnecessary, unreasonable or unusual noises. This shall include but not be limited to:

- (a) The operation of any electronic or battery powered device such as a radio, television, musical instrument, phonograph, loudspeaker, or any other machine or device that may be used for the purpose of producing or reproducing sound amplifying noises. Any such operation between the hours of 9 PM and 7 AM in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (b) Noises caused by yelling, screaming, shouting or hollering when there is no legitimate purpose for such noises.

#### **Section 6.0 Operation of Equipment or Machinery**

It shall be unlawful for any person to disturb the public comfort, repose, health, peace, safety, convenience, welfare or prosperity of any person within the Town of Greenland by making, creating, causing, allowing or continuing any loud, unnecessary, unreasonable or unusual noises by operating or causing the operation of equipment or machinery during certain time periods.

- (a) **Power Tools:** No person shall operate or cause the operation of any mechanically powered saw, sander, grinder, drill, lawnmower or other tool device, with the exception of snow clearing equipment or (during power outages) a generator, during the hours of 9 PM and 7 AM if such noise generated by the use of such

equipment or machinery is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace, safety, convenience, welfare or prosperity of any other person.

**(b) Construction Equipment:** No person shall operate or cause the operation of any type of construction vehicle and/or leave it running and stationary within the Town of Greenland during the hours of 9 PM and 7 AM if such noise generated by the use of such equipment is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace, safety, convenience, welfare or prosperity of any person. This section shall also apply to construction activities such as hammering, earth moving and the moving of construction vehicles at project sites during said time periods.

**(c) Loading and Unloading:** No person shall load or unload or cause the loading or unloading of boxes, crates, containers, building materials, trash cans, dumpsters or similar objects during the hours of 9 PM and 7 AM if the noise generated by such activity is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace, safety, convenience, welfare or prosperity of any person.

**(d) Compressors:** No person shall operate or cause to be operated any compressor or mobile refrigeration unit or similar type of equipment or machinery during the hours of 9 PM and 7 AM if the noise generated by such equipment or machinery is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace, safety, convenience, welfare or prosperity of any person. This section shall apply to any stationary tractor-trailer unit that is required to operate due to its load or cargo.

## **Section 7.0 Exceptions**

The provisions of Section 5 and Section 6 shall not apply to the following:

- (a)** Any person who is making, creating, causing, allowing or continuing any noise generated by any equipment, machinery or amplifying device when such person is engaged in a parade, carnival, circus, festival, fireworks display or similar public function approved by the Chief of Police and/or Board of Selectmen as applicable.
- (b)** Noises resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the Town of Greenland, if required.
- (c)** Any warning signals or devices intended to inform other persons of an emergency; or critical status of a building or facility provided such signal or device is reasonably terminated after it has accomplished its purpose.
- (d)** Any person operating an emergency vehicle while responding to an emergency call or while actively engaged in an emergency situation.
- (e)** Noises resulting from emergency work or required maintenance work performed by authorized personnel employed by or requested by the Town of Greenland. This exception also applies to any company, corporation or persons performing emergency work related to utilities.
- (f)** Bells or chimes while being used for religious purposes or in conjunction with religious services and those bells and chimes used for a similar legitimate purpose. However, if such bells or chimes are used for an extended and unreasonable period of time between the hours of 9 PM and 7 AM, such exception does not apply.
- (g)** Snow clearing equipment, including but not limited to, snowblowers and snow plowing equipment.
- (h)** The property owned, operated and/or utilized by TA Travel Center, 108 Ocean Road, in Greenland shall be exempt from Sections 6(b), 6(c) and 6(d) to the extent necessary to carry out business functions.

(i) The Board of Selectmen may, upon written request, grant further exceptions to any section within this ordinance upon good cause. Any written request must be specific in nature and include the dates, times, and sections of this ordinance for which an exception is being sought.

(j) Any activities authorized and reasonably performed within the confines of any specified Federal or State law.

#### **Section 8.0 Penalties**

Any person found in violation of any section or provision within this ordinance may be fined up to one thousand dollars (\$1,000).

This ordinance shall become effective as of the date of passage.

First reading Date: 03/25/13

Public Hearing: \_\_\_\_\_

Second Reading Date: \_\_\_\_\_

Final Action by Board of Selectmen: \_\_\_\_\_

Approved and Adopted: 04/09/13 (Signed and held at Greenland Town Hall)